

EXHIBIT "A"

January 10, 2003

Please accept this letter as an informational background regarding my request to reduce the rear setback and buffer from forty feet (40') to twenty-five feet (25').

I realize that my concerns are not a problem of yours, but your time and consideration would be appreciated. I along with other builders purchased lots to construct duplexes in Edelweiss Gardens. I happened to be the first to select lots and chose the lots in question as the ones of the best value. I purchased these lots prior to the Planning and Zoning Commission or the City Council review for zoning. Over the last five years, I have constructed over one hundred duplexes that the rear setback for duplexes by ordinance was 20'-0". Therefore, I was not concerned about the depth of the lot and the useable area for the layout of the building and the parking. We have used the same floor plan for our duplex construction for over three years based on demand. The forty-foot (40') setback/buffer will not allow the construction of our duplexes as planned.

The developer has agreed to return my money but that is not my issue. Immediately upon purchasing these lots we began accepting contracts on the proposed duplexes. Prior to Thanksgiving we had confirmed sales on over half of the duplexes. We try to plan the next years building season and prepare our schedules. When the developer came to me and made me aware of the situation at hand, it was too late to change lots. The developer told me that the situation came about when the landscape firm he hired to lay out the landscape and buffer area noted a 40'-0" setback/buffer on the plans that were turned in to the City, but the plan given to the developer did not show the 40'-0" setback/buffer. He had no reason to object during the consideration by the Planning and Zoning in that he thought there was a 20'-0" setback with the buffering planting to be in that same 20'-0". He was made aware of the situation after Planning and Zoning approved the zoning and prior to the City Council reviewing. He had to make a decision on whether to start the whole process over, which would take 6 to 8 weeks or continue with his master plan which included a large number of single family lots. It was because of timing that he chose to continue as proposed or he would not complete the development in time for this building season. In visiting with staff they felt that the developer was not aware of the problem because of the two different layouts.

Again, I realize this is not your problem and I am here to ask that the rear setback/buffer be changed from 40'-0" to 25'-0". In reviewing the proposed Unified Development Ordinance as it relates to this same situation in Article 7, page 7-41 and 7-42 it is n/a (not acceptable). It states that duplexes fall in the multi-family category and that when it abuts a non-residential property the buffering is not applicable. All purchasers know the use as it relates to the duplex lots and surrounding property. This by far is much different than a rezone of the property abutting the duplexes to M-2. I respectfully request your consideration and approval of my request.

Respectfully submitted,



Tony Jones

Enclosures

- d. Existing sites when a change in terms of elements such as pollution, etc.;
 - e. Existing sites with lawfully used use is expanded; and
 - f. Sexually-oriented businesses.
2. Exceptions to the terms of this Section will be made when:
- a. The adjacent developed use is non-conforming;
 - b. The adjacent developed use is agricultural;
 - c. The Land Use Plan designates the area as Redevelopment;
 - d. The property is zoned P-MUD and the buffer requirement was determined through the rezoning process; or
 - e. Properties in NG and RDD districts.

C. Relationship To Other Landscaping Standards

All buffer requirements shall be included on a development's Landscaping Plan. Landscaping provided to meet the buffer landscaping standards of this Section may not be counted towards meeting a project's landscape point requirements. The area of a site dedicated to a perimeter buffer shall not be included in calculating a site's minimum landscaping point requirements.

D. Location

The buffer shall abut property boundaries shared with less intense uses or zoning districts as shown in Section 7.6.F, Minimum Buffer Standards. In the event that a property abuts a less intense use and a less intense zoning district, the more stringent buffer shall be required along the shared boundary.

E. Permitted Uses

1. A buffer yard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that:
 - a. No plant material is eliminated;
 - b. The total width of the buffer yard is maintained; and
 - c. All other regulations of this Section are met.
2. No active recreation area, storage of materials, parking, driveways, or structures, except for approved pedestrian, bike or equestrian trails and necessary utility boxes and equipment, shall be located within the buffer yard.
3. Pedestrian access through a perimeter fence or wall and buffer yard may be provided at the abutting resident's, homeowners association's, or the Administrator's option to provide convenient pedestrian access to nonresidential uses such as commercial areas or schools.

F. Minimum Buffer Standards

The buffer requirements are designed to permit and encourage flexibility in the widths of buffer yards, the number of plants required in the buffer yard, and opaque screens. Standard buffer requirements are depicted in the table below.

DEVELOPING USE (Classification)	ABUTTING PARCEL (Use more restrictive of the zoning or the developed use)		
	Single-family Residential†	Multi-Family Residential*	Non- Residential
Single-family†	N/A	N/A	N/A
Multi-Family*	10 (1)	N/A	N/A
Office	10 (1)	N/A	N/A
Commercial	15 (2)	10 (1)	N/A
Industrial	25 (2)	15 (2)	5
SOE	50 (2)	50 (2)	25 (2)

- * Includes duplexes.
† Includes manufactured homes, mobile homes, manufactured home parks, and townhouses.
[number]
(1) Depth of buffer yard
(2) Fence
(2) Wall

1. Buffer Yards

- Buffer yards shall be measured from the common property line and may be located within established building setbacks.
- Where utility or drainage easements or other similar situations exists in the required buffer yard, the buffer yard may be reduced by the width of the easement; however, an additional 5 feet may be required beyond the width of the easement in these situations to allow for the required plantings and fence or wall. All new plantings and irrigation shall be located outside of the easement. The Administrator has the discretion to allow a required fence or wall within the easement.

2. Plantings

- If a fence or wall is not incorporated into the buffer, the following plantings shall be required in the buffer yard:
 - A minimum of one 5-gallon shrub at a minimum of three feet in height per three linear feet of landscaping buffer.
 - A minimum of one 2-inch caliper canopy tree per 25 linear feet of landscape buffer.
- If a fence or wall is incorporated into the buffer, the following plantings shall be required in the buffer yard:
 - A minimum of one 1.25-inch caliper non-canopy tree per 15 linear feet of landscaping buffer. The Administrator may allow the substitution of a minimum of one 5-gallon shrub at a minimum of three feet in height per three linear feet of landscaping buffer for the non-canopy tree requirement, or may require the substitution to mitigate potential negative impacts of a development.
 - A minimum of one 2-inch caliper canopy tree per 25 linear feet of landscape buffer.
- All buffer yard landscaping areas not dedicated to trees or shrubs shall be landscaped with grass, ground cover, or other appropriate landscape treatment in accordance with Section 7.5.C.3, Landscaping and Tree Protection.

Graham Rogers

Ball Enterprises, Inc.
Box 2, 200 South
Main St.,
P.O. Box 130
King M-2 Zone
(Not Attended)

(NOT PRINTED)
1858, Pg 215
0250 DECEN

15

100% Polypropylene

Block 1

PHASIE

Bloch 8

Block 1

PHASE

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